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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,525	04/15/2004	Yuji Kanome	03500.018076	6590
5514	7590	10/31/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			MCCLAIN, GERALD	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			3653	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,525	KANOME ET AL.	
	Examiner	Art Unit	
	Gerald W. McClain	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>April 15, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement filed April 28, 2004 has a reference that does not exist. Please clarify or correct the reference 2003/0171193 of Asai, et al.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 115a, 115b (pages 23, 36, 37), 104b (page 31), R, L (pages 38, 39), 2011 (page 47). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

Art Unit: 3653

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because they require additional labeling to clarify descriptions used in the specification body. In Figure 6, label items 115 and 200 for clarity. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show "a plurality of ribs" as described in the specification on page 34, lines 11-12 or "the photo tray" on Fig. 17 as described in the specification on page 45, lines 14-15. Any structural detail that is essential for a proper understanding of the disclosed invention should be

Art Unit: 3653

shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "5b" has been used to designate both a part on Fig. 16A and a different part on Fig. 16B. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

Art Unit: 3653

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

Art Unit: 3653

requested in correcting any errors of which applicant may become aware in the specification.

Minor informalities as well as clarification needs are cited below.

On page 8, line 12, "n" should read "in".

On page 14, 17, 23-25, 35-36, 38-42, 44, 50 and 56, the letters "R" and "L" preceding multiple numerals are not explained nor are in the drawings.

On page 17, line 22, "unit" should be "tray".

On page 19, line 1, "AT" should be changed to "At".

Between page 21, line 9 and page 22, line 8, all drawing references should be labeled. For example, "photo deck" on page 21, line 9 should be labeled "100" for clarity.

On page 24, line 18, add "as described in Fig. 9A" at the end of the line for clarity. Otherwise, the reader will not immediately know where to find the label reference.

On page 27, line 4, move "(see FIG. 10)" to page 26, line 24 after "A top cover 204" for clarity.

On page 27, line 6, add "(see Fig. 9A)" after "surface of the cover" for clarity.

On page 28, line 12, "desk" should read "deck".

On page 29, line 25, it is reported that "a saw-toothed rugged portion" is "unillustrated" (assumed not in the drawings). On page 29, line 2, the same item is labeled "201g". In addition, "201g" is not in the drawings.

On page 30, line 1, add "(See Fig. 11)" after "210a" or add the label "210a" to Fig. 10 for clarity.

On page 30, line 15, confirm that "201h" should not be "201a".

On page 30, lines 19-20, confirm that the labels 210d and 201i should not be switched.

On page 31, line 11, add "(see Fig. 9A, 9B)" after "front cover 103". Otherwise, the reader will not immediately know where to find the label reference.

On page 31, line 12, add "(see Fig. 8A, 8B)" after "hole 101b".

On page 31, line 15, "though" should be capitalized.

On page 31, line 22, add "(see Fig. 12)" after "set lever 105".

On page 31, line 24, add "(see Fig. 8A, 8B)" after "101".

On page 32, line 7, add "(see Fig. 8B)" after "hole 101a".

On page 32, lines 11 and 14, "124°" is not consistent. One syntax of the measurement is to be chosen.

On page 35, line 12, it is reported that "a bearing portion" is "not shown" (assumed not in the drawings). On the same page, line 11, the same item is labeled "101i". In addition, "101i" is not in the drawings.

On page 38, line 23, confirm that "112" should not be "112c" or "112a" (see page 39, lines 13 and 15). Confirm that "knob" on page 39, line 13 is not supposed to be "front end pawl shaped portion".

On page 43, line 11, remove "R" or add a space between "R" and "115".

On page 43, line 19, add "(see Fig. 2)" after "hole 2a" for clarity.

On page 44, lines 9-10, "R 115" is repeated.

On page 45, line 6, add "(see Fig. 14A)" after "portion 107a".

On page 45, line 7, add "(see Fig. 8A, 8B)" after "portion 101f".

On page 45, line 11, add "(see Fig. 14A)" after "set arm 106".

On page 45, line 20, confirm "203a" should not be "203b".

On page 45, line 24, add "(see Fig. 10)" after "a hole 201c" since the features are not on Fig. 17.

On page 46, line 5, a space is required after "209".

On page 46, line 22, move "as illustrated in FIG. 18" to the beginning of the paragraph on line 18 to clarify lines 18-22.

On page 46, line 9, add "(see Fig. 9B)" after "the upper case 202".

On page 46, line 15, add "(see Fig. 17)" after "portion 202m".

On page 46, line 20, add "(see Fig. 11)" after "200a".

On page 46, line 21, add "(see Fig. 5)" after "sensor 4".

On page 47, line 18, add "(see Fig. 11)" after "210c" or label "210a", "210b", and "210c" on Fig. 9B.

On page 48, lines 23-24, clarify the phrase "is fell down inwards".

On page 49, line 20, add "(see Fig. 9A)" after "spring 104".

On page 51, line 2, add "(see Fig. 20)" after "plate 51".

On page 51, line 12, "sway" should read "away".

On page 55, line 25, add "as described in Fig. 12" after "In the standby position".

On page 60, line 26, add "to" after "not limited".

Art Unit: 3653

Claim 2 is objected to because of the following informalities: in line 7, "position possible of supplying" is inconsistent with the previous verbiage "possible-of-supplying position" of claim 1, line 26. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: The phrase "a shape protruding" is clearer if changed to "a protruding shape". Appropriate correction is required.

Claim 12 is objected to because of the following informalities: in line 6, the comma is not needed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 7-10, 13-14, 17, 19-20, 22-31 appear to be written to invoke 35 U.S.C. 112 6th paragraph. However, the applicant has not formally invoked 35 U.S.C. 112 6th paragraph. Therefore, the examiner has construed the claims as not invoking 35 U.S.C. 112 6th paragraph. If the applicant wishes to invoke 35 U.S.C. 112 6th paragraph, please make a formal statement and identify the corresponding structure in the specification for each means plus function recitation.

Claims 1-4, 6, 8, 11-14, 16-19, 21-24, 30, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 3, it is not indicated in what orientation the "sheets" on the "first stacking means" are positioned.

Claims 1, 17, 19, 21, 30, and 32 recite the limitation "the gravity". There is insufficient antecedent basis for this limitation in the claim.

Claim 1, 17, 19, 21, 30, and 32 recite the limitation "component force of the [sic] gravity". There is insufficient antecedent basis for this limitation in the claim. Further, no magnitude of "the force" is provided.

All rejections to claim 1 below also apply to claim 19.

The term "installable" in line 7 of claim 1 is indefinite. There is no indication of the difficulty of the installation.

In claim 1, it is unclear what is meant by the recitation, "detachable/attachable" in line 8. Does this mean detachable or attachable? Does this mean detachable and attachable? Does this recitation have some other meaning?

Claim 1 recites the limitation "the sheet stacking direction" in lines 9 and 10. There is insufficient antecedent basis for this limitation in the claim.

In claims 1 and 3, it is unclear what is meant by the recitation, "separating/supplying" in lines 11 and 24, respectively. Does this mean separating or supplying? Does this mean separating and supplying? Does this recitation have some other meaning?

The term "smoothed" in claim 12 is indefinite.

Claim 1 recites the limitation "the stacked sheets" in lines 13 and 14. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3653

The phrase "movably incorporated" in lines 17-18 of claim 1 is indefinite. There is no indication of how to definitely incorporate the "second stacking portion".

The phrase "to be possible" in line 20 of claim 1 and line 27 of claim 21 is indefinite.

The term "substantially" in claim 1, 6, and 21 is indefinite.

The phrase "possible-of-supplying" in claims 1, 2, 4, and 21 is indefinite.

The phrase "a state of releasing" in line 11-12 of claim 2 is indefinite.

Claims 3, 4, 22, 23, and 24 recite the limitation "the downstream side". There is insufficient antecedent basis for this limitation in the claim

In claim 18, it is unclear what is meant by the recitation, "opening/closing" in line 8. Does this mean opening or closing? Does this mean opening and closing? Does this recitation have some other meaning?

The term "at least" in line 24 of claim 8 is indefinite.

The phrase "in the vicinity" in line 25 of claim 11 is indefinite.

The phrase "at a portion" in line 27 of claim 14 is indefinite.

Claim 16 recites the limitation "the line". There is insufficient antecedent basis for this limitation in the claim. Claim 16 is not dependent to claim 15 where "a line" is stated.

Claims 22, 23, and 24 recite the limitation "the end portion". There is insufficient antecedent basis for this limitation in the claim.

The phrase "is provided with" in line 6 of claim 12 is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 17-32, as understood by the Examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by a Hewlett-Packard OfficeJet 600 Series Device ("HPOJ"; see the attached "Examiner's Exhibit A").

Claims 1, 2, and 19: first stacking means (3B; see the attached "Examiner's Exhibit A", page 3, letter B); second stacking means (3C); base member (2B);

Claims 1, 2, 19, 21, 30, and 32: first stacking portion (4B); second stacking portion (4C); separating/supplying means (3C);

Claims 3, 4, 22, and 23: sheet supplying route blocking means (2D); an end portion of the sheet (4D); a sheet supplying route (3G);

Claims 5 and 24: a regulating portion (24);

Claim 6: second stacking portion moves (3C);

Claims 7 and 25: guide means (2C);

Claims 8 and 26: a shape protruding on the upstream side (2C);

Claims 9, 10, 27 and 28: cover means (3H);

Claims 11 and 29: regulating means (3J);

Claim 17: a holding member (3D); an index (3E);

Claims 20 and 31: an inkjet type (5B).

Claims 1 and 12, as understood by the Examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Jang (U.S. 6,315,280).

Claim 1: first stacking means (21); second stacking means (11); base member (20); first stacking portion (P); second stacking portion (D); separating/supplying means (24);

Claim 12: a final limit forward portion (53); a protruded portion (24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Jang and Watanabe, et al (U.S. 5,109,236 ("Watanabe")). HPOJ teaches all the limitations of the claim as discussed above. HPOJ does not directly show a sheet type discriminating sensor or a tray position detecting sensor.

Watanabe shows said sheet type discriminating sensor (1, 2) for the purpose of determining the type of the sheets (entire abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify

Art Unit: 3653

HPOJ as taught by Watanabe and include Watanabe's index sheet type discriminating sensor for the purpose of determining the type of the sheets.

In addition, Jang shows a tray position detecting sensor for sensing whether documents are loaded (abstract, line 4). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Jang and include Jang's tray position detecting sensor for sensing whether documents are loaded.

Claims 14-16, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ. HPOJ teaches all the limitations of the claims as discussed above. HPOJ does not directly show an index on the first stacking means as a line or a character.

HPOJ shows said index on the first stacking means as a line or a character for the purpose of indicating the size of the sheet (3E). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by HPOJ and include HPOJ's index as a line or character on the second stacking means for the purpose of indicating the size of the sheet.

Claims 18, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Teo, et al (U.S. 6,942,211) ("Teo"). HPOJ teaches all the limitations of the claims as discussed above. HPOJ does not directly show a cover member or a sub cover member.

Art Unit: 3653

Teo shows said cover member (108) and sub cover member (120) for the purpose of folding up out of the way when necessary (column 2, line 52). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Teo and include Teo's cover member and sub cover member for the purpose of folding up out of the way when necessary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7805. The examiner can normally be reached on 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain
Examiner
Art Unit 3653



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